

that the suit was contested, and that the amount awarded either on account of principal or interest by the decree does not exceed by more than 25 per cent. the amount which could have been awarded by the Manager, if no such decree had been passed, the amount so awarded may be allowed, provided rule 4, clause 1, be not infringed. But if interest subsequent to decree be claimed, it shall be calculated as if no decree had been passed.

Rule to be substituted for Rule 7.

All admitted debts shall be satisfied proportionately in the following order :—

1st.—Money lent on the security of the estate.

2nd.—Decreed and bonded debts.

3rd.—Account debts.

Rules and Orders under Act XXI of 1881.

(Broach and Kaira Incumbered Estates.)

Declaring the Málíks of Thásra in the Kaira District to be Thákurs.

Notn. No. 5295, dated 16th July 1883, B.G.G., 1883, Pt. I, p. 504.—In exercise of the power conferred by Section 3 of the Broach and Kaira Incumbered Estates Act, 1881, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the Málíks of Thásra in the District of Kaira are Thákurs for the purposes of the said Act.

Rules under Section 31 of the Act.

⁽¹⁾*Notn., dated 13th August 1877, B. G. G., 1877, Pt. I, p. 731.*—In exercise of the power conferred by Section 31 of Act XIV of 1877, the Governor in Council is pleased to frame the following rules, viz. :—

1. All subordinate officers entrusted under the said Act with the collection, receipt, or custody of moneys, or of any valuable property, shall furnish security to the extent of three years' salary.

2. The order of management and the notices required to be issued under Sections 7, 12, and 26 of the Act shall be respectively in the Forms A, B, and C, appended to these rules.

(1) This Notification, issued under Act XIV of 1877, is kept in force by Act XXI of 1881, Section 2.

3. The Talukdári Settlement Officer, or other Manager, appointed under the Act, shall make the inquiry prescribed by Section 12, and prepare the Schedule of debts and liabilities and the liquidation scheme, required by Section 17 in accordance with the following rules.

4. He shall ascertain the principal sum or sums originally or from time to time lent by each of the creditors severally, and this sum, or the aggregate of these sums, with 9 per cent. per annum simple interest on the amount of each debt, from the time when each debt was incurred up to the date on which the order of management was published, shall be the amount to be awarded, but subject to the following conditions, (namely) :—

(1)—that the amount of interest shall in no case exceed that of the principal ;

(2)—that the heir in the second generation of the person who originally incurred the debt shall pay the principal only and no interest ;

(3)—that the amount to be assigned in settlement of bonds held for services rendered by the creditor shall be determined by the Manager after hearing evidence as to the nature and extent of the service in question ;

(4)—that no interest shall be allowed on debts, accounts relating to which are not produced to the satisfaction of the Manager ;

(5)—that when the amount of the original principal is not satisfactorily proved, a deduction of 50 per cent. shall be made from the amount of the debt as it stood at the first stage at which satisfactory proof of the existence of the debt is given ;

(6)—that when no accounts are produced, the claim shall be disallowed, unless the debtor acknowledges the receipt of a sum in cash, in which case that sum shall be treated as the principal of the debt, but no interest shall be allowed ;

(7)—that interest shall not be allowed on account-debts in the absence of any writing showing that interest on such debts should be allowed ;

(For clause 7 (a), see Notification No. 4113, dated 14th August 1878, printed at page 486, *infra*.)

(8)—that all payments made by the Thákur to any creditor, and all profits which have been enjoyed by such creditor towards the liquidation of any debt or liability before the date of the order of management, shall be deducted from the principal sum of the said debt or liability, and interest on the amount so deducted shall be disallowed from the time of such payment or enjoyment, and the Manager shall determine the amount of profits realized under such enjoyment after examining such proofs as may be produced before him ;

(9)—that if the principal of all the debts due by any Thákur with simple interest at 9 per cent. shall exceed the amount which it is estimated will be available for the settlement of the creditors' claims, subject to the provisions of Section 11 of the Act, during a period of twenty years, no interest shall be allowed on such debts as were not incurred by the present

Thákur; and that if after disallowing interest on such debts the amount necessary to liquidate the whole of the debts be still in excess of the amount estimated to be available for their liquidation, the rate of interest to be awarded on the remaining debts shall be decreased until the aggregate amount of capital and interest payable falls within the requisite limit.

5. Whenever a bond or decree or other claim has been transferred by sale, gift or otherwise from the original holder to any other person, the present holder thereof must support his claim by the same proofs as if he were the original holder.

6. (*For substituted Rule 6, see Notification No. 4113, dated 14th August 1878, printed at page 486, infra.*)

7. In deciding what claims are admissible, and to what amount they shall be admitted, the Manager may appoint a Committee of experienced natives—consisting of three persons, of whom one only shall be in the service of Government—to assist him, and may re-imburse the said Committee their necessary expenses out of percentage of the rents and profits which he may receive to be reserved by him, to cover these and similar charges connected with the discharge of his duties.

8. If the creditors of any debtor themselves produce a schedule of the original sums lent by them severally, signed by the debtor, and both parties assent to the said schedule in presence of the Manager, the Manager may accept such schedule without further investigation, and make it the basis of the liquidation scheme.

9. (*For amended Rule 9, see Notification No. 2274, dated 6th April 1882, printed at page 487, infra.*)

10. (*For substituted Rule 10, see Notification No. 2485, dated 9th May 1879, printed at page 487, infra.*)

11. If at any time the condition of a Thákur's estate shall be found sufficiently prosperous, the Commissioner may make such further awards beyond what is permitted by the previous rules, as the circumstances shall seem to him to warrant.

(*For additional Rule 12, see Notification No. 934, dated 21st February 1879, printed at page 487, infra.*)

APPENDIX A.

Order of management to be issued under Section 7.

WHEREAS (here enter the name and description of the applicant in full, and when he is not himself the Thákur, state whether he is the sole heir, or one of the heirs of the Thákur) has made an application to me under Section 4 of the Broach and Kaira Incumbered Estates Act, 1877, requesting that the provisions of the said Act be applied to his case (or to the case of) ;

And whereas upon inquiry it appears to me expedient that the provisions of the said Act should be so applied ;